

CARTER LEDYARD & MILBURN LLP
Counselors at Law

Gary D. Sesser
Partner

Direct Dial: 212-238-8820
E-mail: sesser@clm.com

2 Wall Street
New York, NY 10005-2072

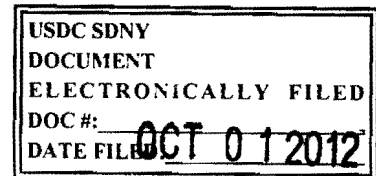
Tel (212) 732-3200
Fax (212) 732-3232

570 Lexington Avenue
New York, NY 10022-6856
(212) 371-2720

September 28, 2012

VIA HAND DELIVERY AND EMAIL (ForrestNYSDChambers@nysd.uscourts.gov)

Honorable Katherine B. Forrest
United States District Judge
United States District Court
Southern District of New York
500 Pearl St., Room 745
New York, New York 10007



Re: Joao Tovar v. Robert Indiana,
Index No. 12-CV-06104 (KBF) (AJP)

Dear Judge Forrest:

We represent defendant Robert Indiana in the above-captioned matter.

On September 26, 2012, Mr. Lourie filed a motion to withdraw as counsel for Plaintiff in this action. Defendant does not oppose that motion.

However, without the participation of opposing counsel we are not able to prepare the joint Scheduling Order Form due on Monday, October 1, 2012, pursuant to Your Honor's September 20, 2012 Notice of Initial Pretrial Conference.

Accordingly, we write to inquire whether the Court wishes to go forward with the preliminary conference scheduled for Friday, October 5, 2012.

Respectfully submitted,

Gary D. Sesser

cc: David Lourie, Esq. (counsel for Plaintiff) (via email)
Mark W. Moody, Esq. (via email)

*The Court has not
received a notice to
withdraw. The conference
will proceed as
scheduled. Sept. 28, 2012*

SO ORDERED:

HON. KATHERINE B. FORREST
UNITED STATES DISTRICT JUDGE